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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/555,144 | 08/28/2000 | Hermann Kuenzner | 951/48802 | 9269 |

7590 11/24/2003
Crowell & Moring LLP
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Washington, DC 20044

EXAMINER

NGUYEN, LE V

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2174

DATE MAILED: 11/24/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/555,144

Applicant(s)

KUENZNER ET AL.

Examiner

Le Nguyen

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 9/2/03.
2. Claims 9-16 are pending in this application. Claim 9 is an independent claim; claims 1-8 have been cancelled; and, claims 9-16 have been added. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

4. Claim 1 objected to because of the following informalities: "said additionally movement" of page 2, line 12 needs to be changed to -- said additional movement --. Appropriate correction is required.

Claim Rejections - 35 USC § 112, first paragraph

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Starting with the first sentence of Applicant's **DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT** on

page 5, Applicant describes "an additional movement" in line 4 of the subsequent page with the implication that there is a first movement but fails to include a clear description of a movement previous to the "an additional movement".

Claim Rejections - 35 USC § 112, second paragraph

7. Claim 9-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "the main structure" and "one of the rotary movement" in lines 20-21. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nason et al. ("Nason", US 6,43,809 B1) in view of Macor (US 5,841,849).

As per claim 9, Nason teaches a display control device comprising a display screen comprising a marginal region having a plurality of fields providing a menu structure including a menu, partial menus, and at least one of a function and function value to be selected and displayed, the display screen further including a central region (fig. 3; col. 4, lines 44-45).

Furthermore, Nason teaches an actuating element capable of movement in a longitudinal direction, the actuating element capable of an additional movement having two additional degrees of freedom associated with the additional movement, the additional movement being separate from the longitudinal movement in the direction of the longitudinal axis, and wherein the actuating element enables a point of the menu structure to be selected and to be displayed wherein the actuating element enables a point of the menu structure to be selected and to be displayed when the actuating element has an initial position and wherein the additional movement of the actuating element enables one of the plurality of fields arranged in the marginal region of the display screen and associated with the point of the menu structure to be selected (fig. 13; *actuating element such as keyboard or mouse makes a first longitudinal up movement in the marginal region to a second element (with the top element being the first), a second longitudinal down movement towards a third element, and then a third longitudinal up movement towards the first element and wherein the additional movement of the actuating element enables one of the plurality of fields arranged in the marginal region of the display screen and associated with the point of the menu structure and/or plurality of fields to be selected*). Nason does not explicitly disclose that the function to be selected is displayed as an optically highlighted field in the display screen wherein the actuating element enables a point of the menu structure to be selected and to be displayed as the optically highlighted field in the display screen when the actuating element has an initial position. Macor teaches that a function to be selected is displayed as an optically highlighted field in the display screen wherein the actuating element enables a point of a menu structure to be selected and to be displayed as the optically highlighted field in the display screen when the actuating element has an initial position wherein the

additional movement of the actuating element enables one of the plurality of fields arranged in the marginal region of the display screen and associated with the point of the menu structure to be selected in a central region of a display screen enclosed by the marginal region (figs. 9 and 10; col. 5, lines 63-67; col. 6, lines 11-18). Therefore, it would have been obvious to an artisan at the time of the invention to include Macor's teaching of a display screen with a function to be selected, displayed as an optically highlighted field in the display screen wherein the actuating element enables a point of a menu structure to be selected and to be displayed as the optically highlighted field in the display screen when the actuating element has an initial position wherein the additional movement of the actuating element enables one of the plurality of fields arranged in the marginal region of the display screen and associated with the point of the menu structure to be selected in a central region of a display screen enclosed by the marginal region to Nason's teaching of a display screen comprising a marginal region having a plurality of fields providing a menu structure including a menu, partial menus, and at least one of a function and function value to be selected and displayed, the display screen further including a central region (fig. 3; col. 4, lines 44-45). Furthermore, Nason teaches an actuating element capable of movement in a longitudinal direction, the actuating element capable of an additional movement having two additional degrees of freedom associated with the additional movement, the additional movement being separate from the longitudinal movement in the direction of the longitudinal axis, and wherein the actuating element enables a point of the menu structure to be selected and to be displayed wherein the actuating element enables a point of the menu structure to be selected and to be displayed when the actuating element has an initial position and wherein the additional

movement of the actuating element enables one of the plurality of fields arranged in the marginal region of the display screen and associated with the point of the menu structure to be selected

As per claims 10-13, the modified Nason and Macor teaches a display control device wherein the additional movement is a wobbling movement or a parallel displacement wherein the actuating element is forcibly guided for the additional movement and wherein the additional movement is a reversible movement (Macor: col. 4, lines 5-9; col. 4, lines 14-18).

As per claim 14, Macor teaches a device characterized in that the actuating element carries out a reversible additional movement against the effect of a spring (col. 4, lines 8-10).

Response to Arguments

10. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new grounds) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP§ 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

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1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lê Nguyen whose telephone number is (703) 305-7601. The examiner can normally be reached on Monday - Friday from 8:00 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax numbers for the organization where this application or proceeding is assigned are as follows:

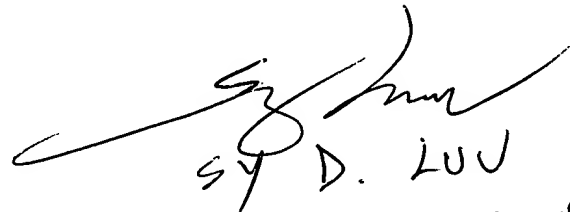
(703) 746-7238 [After Final Communication]

(703) 872-9306 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lê Nguyen
Patent Examiner
November 17, 2003


SY D. LUU
PRIMARY EXAMINER